



Industrial Telecommunications Association, Inc.
Total Frequency Management

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Federal Communication Commission

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SECRETARY

May 16, 2003

Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ET Docket No. 02-380 - Additional Spectrum for Unlicensed Devices
Below 900 MHz and in the 3 GHz band

Dear Chairman Powell:

The Industrial Telecommunications Association, Inc. (ITA) hereby submits this letter as Reply Comments to a *Notice of Inquiry* (Notice) the Commission released on December 20, 2003, requesting comments on allowing unlicensed devices in TV broadcast spectrum and other bands, such as the 3650-3700 MHz band.¹ ITA is a member of the Land Mobile Communications Council (LMCC) and as such, fully supports its Comments filed in this proceeding.² ITA also supports the Commission in its forward-looking efforts to improve the Commission's policies through proceedings such as this and the work being performed by Spectrum Policy Task Force.

ITA appreciates and understands the potential benefits unlicensed devices will bring to all aspects of the industry, including the private wireless industry, and supports their deployment in bands such as the 3650-3700 MHz band. However, ITA agrees with the comments of other entities in the land mobile industry in that an authorization for unlicensed devices on unused TV broadcast spectrum could be detrimental to incumbent land mobile licensees.³ Currently, the technology needed to provide sufficient interference protection from unlicensed devices to land mobile operations is not available, putting both safety-of-life operations and the general public at significant risk.⁴ The resolution of potential interference conflicts could be very difficult with an authorization of unlicensed devices in the TV broadcast bands.

Land mobile licensees are accustomed to shared operating environments; thus ITA believes that the Commission may promote more efficient use of the spectrum by initiating a rulemaking proceeding to allow more sharing opportunities between broadcasters and land mobile licensees

¹ See, In the Matter of Additional Spectrum for Unlicensed Devices Below 900 MHz and the 3 GHz Band, Notice of Inquiry, ET Docket No. 02-380, (rel. Dec. 20, 2002) at ¶ 1 (Notice).

² See generally, Comments of the Land Mobile Communications Council (LMCC).

³ See, Comments of the LMCC at p. 4-8, Comments of American Mobile Telecommunications Association, Inc. (AMTA) at p. 3, Comments of American Petroleum Institute (API) at ¶ 4 and 5, and Comments of APCO at p. 1-2.

⁴ See, Comments of Motorola at p. 5.

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on unused TV broadcast spectrum. The intermingling of broadcasters and land mobile operators has been an effective and efficient match. As the LMCC notes, "there is a more than thirty year track record confirming that land mobile facilities licensed and operated in accordance with the well-established regulatory structure of Subpart L of the Part 90 rules can co-exist compatibly with television broadcast stations."⁵

ITA supports the Commission in its goal of achieving maximum spectral efficiency through unlicensed device authorizations, and believes that the 3650-3700 MHz band may be suitable for its operations. However, to retain the integrity of broadcast operations and land mobile operations on the TV broadcast bands, ITA believes this would not be an appropriate authorization for unlicensed devices.

ITA looks forward to working with the Commission to find a workable resolution in this matter.

Sincerely,

/s/ Laura L. Smith

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⁵ Comments of LMCC at p. 9.

CERTIFICATE OF SERVICE

I, Robin Landis, do hereby certify that on the 16h day of May 2003, I forwarded to the parties listed below a copy of the foregoing letter of the Industrial Telecommunications Association, Inc via U.S. Postal Service:

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